IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.26 OF 2006
IN
CHAMBER SUMMONS NO.997 OF 2001
IN
TESTAMENTARY SUIT NO.97 OF 1999
IN
T & I.J. PETITION NO.962 OF 1997

Thiru Mohammed Basheerulla. ...Plaintiff/ Petitioner
(Since Deceased)

vs.

1. Jameel Ahmed Hussain & others. ...Defendants/Respndents.

And

1.Mrs.Saied Unnisa Begum & others. ...Applicants.

Mr.A.K.Abhyankar i/b. Meghraj & Associates, for Applicants

Mr.Navin Parekh i/b. Ms.Hetal Patel, for Respondent nos.1 & 2.

CORAM: D.K.DESHMUKH,J.

DATED: 14th September,2006.

P.C.:-

1. On a motion made by the applicants, the notice of motion is permitted to be withdrawn but that is not the end. Considering the facts and circumstances of the case that this notice of motion was taken out for recalling the order dated 26.6.2002. In that order

observations have been made about the conduct of the applicants and cost of Rs.25,000/- was imposed even though that application was withdrawn. Then chamber summons no.540 of 2004 was taken out. That was dismissed by order dated 10.6.2005 and cost of Rs.1,00,000/- was

imposed. Really speaking in view of the order passed in the earlier chamber summons, this notice of motion is not even maintainable. For these reasons therefore, in my opinion, it will be appropriate to impose exemplary cost on the applicants for repeatedly abusing process of the Court. The applicants are therefore, directed to pay as and by way of cost of this notice of motion Rs.1,00,000/- to the respondent.